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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,215	05/23/2000	Edward B. Boden	END9 1999 0129 US1	4856

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IBM Corporation
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EXAMINER

SON, LINH L D

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/578,215

Applicant(s)

BODEN ET AL.

Examiner

Linh Son

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☒ Newly proposed or amended claim(s) 8-11 and 17 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 8-11 and 17.

Claim(s) objected to: None.

Claim(s) rejected: 1-7, 12-16 and 18-22.

Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See the attached Response to Arguement.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).

13. ☐ Other: _____.


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Response to Arguments

1. The rejection dated on 01/13/05 is maintained.
2. Applicant's arguments filed on March 14th, 2005 have been fully considered but they are not persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
3. Examiner rejected claims 1, 12, 13, 16, 18, 19, 20, and 22 under 35 USC 103(a) as being unpatentable over Borella et al (US-6353614), hereinafter "Borella", in view of Jain et al (US-6047325), hereinafter "Jain". The obviousness rejection is based on the incorporation of NAT (disclosed in Borella's invention) in the VPN environment (disclosed in Jain's invention). Even though Borella's does not disclose in detail the implementation of NAT in the VPN environment. Borella does consider on the fact that the invention is capable of supporting in the Virtual Private Network (VPN) (Col 16 lines 20-24 and on Page 2: *[P.Srisuresh, Internet Engineering Task Force, Internet Draft, "Security for IP network Address Translator (NAT) Domain," <draft-ietf-nat-security-00.txt>, Nov. 1997, pp. 1 to 11]* and *[R.G. Moskowitz, Internet Engineering Task Force, Internet Draft, "Network Address Translation Issues with Ipsec," <draft-moskowitz-*

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net66-vpn-0.txt>, Feb 6, 1998, pp.1 to 12]). Therefore, the argument on page 21-23 and on page 27-29 is traversed.


4. As regard to the argument on page 22 bullet (b), the NPL reference cited (IETF RFC3715) cannot be used as prior art since the date of the NPL is in 2004.

5. In response to applicant's argument on page 21-22 that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., port translation, Port allocation protocol, translating IP address, and based on MAC addresses) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. As regard to argument on page 29-35 with respect to claims 12-13, 16, and 18-19, the obviousness rejection on paragraph 2 above is incorporated. Neither Borella nor Jain individually teaches the VPN NAT address pool. Nevertheless, the incorporation of Borrela with Jain would provide the NAT IP address in the IP address pool associated with a gateway (DHCP server) disclosed by Jain in (Col 5 lines 20-25). The VPN connections in Jain's invention may be connections to any machines or any LANs (Col 5 lines 12-16), and the security execution is performed on the servers of one end of the connection (Col 5 lines 20-25). The NAT IP address in the address pool is

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routable (Col 5 line 40). The total volume of the concurrent VPN connections is obviously limited to the number of IP NAT addresses available. Therefore, the argument remark for claims 12-13, 16, and 18-19 is traversed.



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